

# BAKER BOTTS LLP

## VIA ECF

February 12, 2010

Honorable William D. Wall  
United States Magistrate Judge  
United States District Court  
824 Federal Plaza  
Central Islip, New York 11722

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Re: Plasma Physics Corp. et al. v. Chi Mei Optoelectronics Corp. et al., No. 2:08-CV-1628

Dear Judge Wall:

We write on behalf of Plaintiffs and Defendants regarding the schedule in the above-referenced action and to request adjournment of the pretrial conference Your Honor has scheduled for February 18, 2010. (*See* 2/9/10 Dkt. Entry).

On October 2, 2009, after having consulted with the Court and having heard oral argument from the parties, Special Master Rando determined that Rule 26 disclosures regarding case-in-chief experts would not be due until after he had issued his Report and Recommendation (“R&R”) on claim construction. At the Special Master’s direction, all of the parties also agreed to proposed extended deadlines for rebuttal expert reports, the close of expert discovery and the filing of dispositive motions that had been set in Your Honor’s initial Case Management Schedule. Because the Special Master at the time expected to issue his R&R by the end of October 2009, the proposed revised schedule still held to the February 10, 2010 pretrial conference date and trial ready date that had been set in the initial Case Management Schedule. On October 8, 2009, Special Master Rando wrote to Your Honor about this matter recommending that the proposed modifications to the Case Management Schedule be granted. (*See* Exh. 1, 10/8/09 Letter from Special Master Rando to Honorable William D. Wall.) That same date, you entered an order adopting the modified Schedule. (*See* 10/8/09 Dkt. Entry.)

On November 2, 2009, the Special Master informed the parties that he would need additional time to complete his R&R. He noted:

I have contacted the Court in light of my anticipated projection of completing the R & R by the end of October. I have been assured by the Court that all deadlines in the parties’ most recent case management schedule will be extended commensurate with the period of time between the end of October and the date of my filing the R & R.

(*See* Exh. 2, Special Master Rando’s 11/2/2009 e-mail correspondence with the parties’ attorneys.)

Special Master Rando recently updated the parties, indicating that he expects to issue his R&R on claim construction by the end of this month. If the R&R does issue by the end of February, the parties propose the following revised dates for the pretrial conference and other remaining deadlines in the Case Management Schedule:

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<b>Event</b>	<b>Deadline</b>
Rule 26 disclosures regarding case-in-chief experts. Expert Discovery Opens	March 15, 2010
Rule 26 disclosures regarding rebuttal experts	April 15, 2010
Expert Discovery Closes	May 14, 2010
Last day to file letter requests to file dispositive motions	May 31, 2010
Court holds pretrial conference	July 2010
Trial ready date	July 2010

Should Special Master Rando's R&R not issue until after February 28, 2010, the parties propose that instead of the Case Management Schedule dates listed above, the Court order dates calculated by adding to each of the above-listed dates an amount of time equal to the period between February 28 and issuance of the R&R.

In view of the present uncertainty regarding these deadlines, Your Honor may wish to defer setting new deadlines and a pretrial conference date until after issuance of Special Master Rando's report. In that event, the parties agree to notify Your Honor promptly upon receipt of same. The parties have already been instructed to notify Judge Wexler's Chambers upon issuance of the R&R, in order to set a briefing schedule on claim construction.

Respectfully submitted,

/s/ Paul A. Ragusa  
Paul A. Ragusa (PAR 9165)  
*Attorney for Plaintiffs*

/s/ John J. Lauter  
John J. Lauter (JJL 3226)  
*Attorney for Defendants*

Encl.

cc: Special Master Rando